

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1161/2003

This the 17th day of December, 2003

HON<sup>BLE</sup> SH. KULDIP SINGH, MEMBER (J)

1. Smt. Sudesh,  
W/o Shri Kiran Pal,  
R/o E-2/178, Sultanpuri, Delhi
  2. Smt. Guddi,  
W/o Shri Jagdish,  
r/o C-1/403, Sultanpuri, Delhi.
  3. Smt. Birmi,  
W/o Shri Karamvir,  
r/o B-377, Mangolpuri, Delhi
  4. Smt. Kamlesh,  
W/o Shri Subhash,  
Rr/o J-10, Shakurpur, Delhi.
- (By Advocate: Sh. Raj Singh)

....Applicants

Versus

1. Govt. of NCT of Delhi  
through its Chief Secretary,  
Players Buildings, I.P. Estate,  
New Delhi-110002.
2. Director of Education,  
Deptt. of Education,  
Govt. of NCT, Delhi  
Old Secretariat, Delhi.
3. Deputy Director of Education  
Distt. West-B,  
Karampura,  
New Delhi.
4. Vice Principal,  
Govt. Boys Middle School,  
Phase-II, Nangloi,  
Delhi.
5. Principal,  
Govt. Girls Sr. Sec. School,  
J.J. Colony No.2,  
Nangloi, Delhi.
6. Vice Principal,  
Govt. Co-Ed. Sec. School,  
Punjabi Basti,  
Nangloi,  
Delhi.
7. Principal  
Govt. Sarvodaya Kanya Vidyalaya,  
Nangloi,  
Delhi.

....Respondents

(By Advocate: Sh. Mohit Madan proxy for  
Mrs. Avnish Ahlawat)

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O.R.D.E.R

**By Sh. Kuldip Singh, Member (J)**

This is a join petition filed by 4 applicants wherein they have been challenged termination of their service as part time sweepers.

2. Facts in brief are that applicant No.1 Smt. Sudesh was engaged as part time sweeper on 6.11.99. Applicant No.3 Smt. Birmi was engaged as part time worker on 26.10.98 and applicant No.4 Smt. Kamlesh was engaged on 11.11.98. With regard to Applicant No.2, she had alleged that she was engaged on 11.6.98 as per their appointment letters Annexure A-4/A to A-4/D collectively. It was also alleged that they were all sponsored by Employment Exchange and selected after interviewed by duly constituted selection board. It is also stated that the work of the same kind is available and their disengagement is arbitrary and they could not have been disengaged. Rather the recruitment rules provided that 50% by part time workers can be regularised, so they can be regularised.

3. Respondents are contesting the OA. Respondents have stated that all these applicants have been engaged after imposition of the ban which is de hors of the rules and besides that they were paid out of PTA fund so Tribunal has no jurisdiction, the OA should be dismissed.

4. I have heard the learned counsel for the parties and gone through the record.

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5. Counsel for applicant had relied upon a judgment given in OA-2237/2002 in case of Bimla Maithani vs. Govt. of NCT of Delhi wherein also a part time engaged applicant had been disengaged and had challenged the order of disengagement and Court while dismissing the OA had relied upon the judgment of Hon'ble High Court in writ petition No.538/2002 in the following manner:-

"8. - High Court of Delhi in Writ Petition (Civil) No.538/2002 - Smt. Anita Mishra v. Govt. of N.C.T. of Delhi & others by an order dated 17.2.2003 while dealing with the PTA fund held the same to be a non-governmental fund, which does not confer any right upon petitioners therein to claim regularisation. Case of applicant herein is in all fours covered by the aforesaid decision."

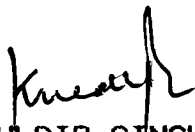
6. In this case I find the representations made by the applicants themselves show that all these applicants have been engaged after the imposition of ban. The representation of Smt. Guddi also shows that she was being paid from PTA funds. Representation of Smt. Birmi also shows that she was paid from PTA fund. Similarly the representation of Smt. Kamlesh also shows that she was also paid from PTA funds. Representation of Smt. Sudesh also shows that she was paid from PTA funds. So their case is fully covered by the judgment of Hon'ble High Court referred to above as quoted in the order of OA-2237/2003.

7. Besides that I may mention that there was some controversy about the date of joining of Smt. Guddi as applicant claims that she has joined the service before the imposition of ban. From the pleadings and the documents filed on record would go to show that Smt. Guddi had not approached the court with

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clean hands. She has in a clandestine manner concealed her date of joining as part time worker. The columns of date in respect of her appointment letter even in representations are also blank. The date is conspicuously missing. However during the course of arguments, counsel for respondents has placed on record a certificate issued by the school which shows that Smt. Guddi had joined the service on 11.2.99 as part time sweeper which is definitely after imposition of ban. Thus all the four applicants joined the service after imposition of ban for recruitment of part time workers. Thus, their engagement itself is bad as it was against the ban order issued by the Govt. of NCT of Delhi. Besides that all of them were being paid from PTA fund.

8. I find that no right had been created in their favour for continuing in the job. Thus, I am of the considered opinion that all these applicants have no merits in their case. OA is bereft of any merit and is accordingly dismissed.

  
( KULDIP SINGH )  
Member (J)

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